

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KELLY BLAND,

Plaintiff,

v.

No. 4:24-cv-00994-P

OUR WORLD ENERGY LLC, ET AL.,

Defendants.

ORDER

Under Rule 4(m) of the Federal Rules of Civil Procedure, the Court must dismiss an action after giving notice to the plaintiff if the plaintiff has not served the defendant within 90 days of filing a complaint. FED. R. CIV. P. 4(m). More than 90 days have passed since Plaintiff filed her complaint on October 16, 2024. Plaintiff has served Defendant Our World Energy LLC (ECF No. 5), but not Defendant SunSCI Media LLC. The Court therefore notified Plaintiff one week ago that it intended to dismiss her claims against Defendant SunSCI Media LLC if she did not serve SunSCI before today's date. ECF No. 14. Plaintiff has still not filed a return of service. The Court therefore **ORDERS** that Plaintiff's claims against SunSCI Media LLC are **DISMISSED without prejudice**.¹

SO ORDERED on this **24th day of January 2025**.



Mark T. Pittman

UNITED STATES DISTRICT JUDGE

¹Should this dismissal *without* prejudice function as a dismissal *with* prejudice in this case, *see, e.g., Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188 (5th Cir. 1992) (discussing instances where dismissal without prejudice functions as with prejudice, such as when a suit would be time-barred if plaintiff were forced to refile), Plaintiff must notify the Court in a timely, appropriately argued, and supported motion.